

ORIGINAL



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Date: September 3, 2015

To: **Docket Control**
Arizona Corporation Commission
1200 West Washington St.
Phoenix, AZ 85007

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2015 SEP -8 P 3:09

AZ CORP COMMISS
DOCKET CONTROL

From: Robert T. Hardcastle
Circle City Water Co LLC

FOR FILING ORIGINAL AND 13 COPIES INTO:

DOCKET NO. W-03510A-13-0397

Arizona Corporation Commission
DOCKETED

SEP 08 2015

DOCKETED BY	TV
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By:

Robert T. Hardcastle

BEFORE THE ARIZONA CORPORATION COMMISSION

Robert T. Hardcastle
Circle City Water Company, LLC
P.O. Box 82218
Bakersfield, CA 93380-2218
Representing Itself In Propia Persona

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2015 SEP -8 P 3:09
AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

Susan Bitter Smith, Chairman
Bob Burns, Commissioner
Doug Little, Commissioner
Bob Stump, Commissioner
Tom Forese, Commissioner

IN THE MATTER OF THE)
APPLICATION OF CIRCLE CITY)
WATER COMPANY, LLC FOR)
DELETION OF A PORTION OF ITS)
EXISTING CERTIFICATE OF)
CONVENIENCE AND)
NECESSITY FOR WATER SERVICE)

Docket No. W-03510A-13-0397

**CIRCLE CITY WATER
COMPANY LLC's NOTICE OF
FILING OF ITS FIRST DATA
REQUEST UPON
INTERVENERS**

On Tuesday, September 1, 2015, Circle City Water Company LLC ("Circle City") filed its First Set of Data Request with counsel for Interveners Harvard Investments, Inc., Lake Pleasant 5000 LLC, Warrick 160, LLC, and the Maughn Revocable Trust of 2007 for Rex Maughn and Ruth G. Maughn (collectively the "Interveners"). Circle City requested all replies to the Data Request be received not later than September 18, 2015.

RESPECTFULLY SUBMITTED this 3rd day of September 2015.

Circle City Water Company, LLC

By: 

Robert T. Hardcastle

In Propia Persona

1
2 ORIGINAL and 13 copies filed
3 this 25th day of September 2015, with:
4

5 **Docket Control**

6 **Arizona Corporation Commission**
7 **1200 West Washington St.**
8 **Phoenix, AZ 85007**
9

10 And copies mailed to the following:

11
12 Yvette B. Kinsey, Administrative Law Judge
13 HEARING DIVISION
14 Arizona Corporation Commission
15 1200 West Washington St.
16 Phoenix, AZ 85007
17

18 Dwight Nodes
19 HEARING DIVISION
20 Arizona Corporation Commission
21 1200 West Washington St.
22 Phoenix, AZ 85007
23

24 Janice Alward
25 Chief, Legal Division
26 Arizona Corporation Commission
27 1200 West Washington St.
28 Phoenix, AZ 85007
29

30 Steve Olea
31 Director, Utilities Division
32 Arizona Corporation Commission
33 1200 West Washington St.
34 Phoenix, AZ 85007
35

36 Thomas Broderick
37 Utilities Division
38 Arizona Corporation Commission
39 1200 West Washington St.
40 Phoenix, AZ 85007
41

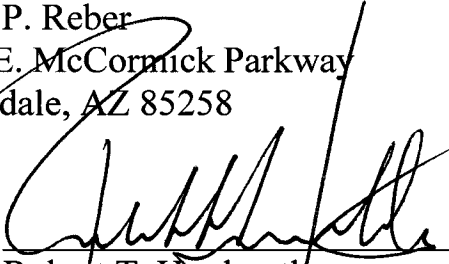
42 Robin Williams

1 Legal Division
2 Arizona Corporation Commission
3 1200 West Washington St.
4 Phoenix, AZ 85007

5
6 Brian E. Smith
7 Legal Division
8 Arizona Corporation Commission
9 1200 West Washington St.
10 Phoenix, AZ 85007

11
12 Gary Hays
13 1702 E. Highland Ave., Suite 204
14 Phoenix, AZ 85016

15
16 Darin P. Reber
17 7501 E. McCormick Parkway
18 Scottsdale, AZ 85258

19
20
21 By: 
22 Robert T. Hardcastle
23 Circle City Water Company, LLC

Bob Hardcastle

From: Bob Hardcastle
Sent: Tuesday, September 1, 2015 10:45 AM
To: Garry D. Hays; Darin Reber
Cc: besmith@[REDACTED] Robin Mitchell [REDACTED]
Subject: Circle City FIRST Set of Data Request; Docket No. W-03510A-13-0397
Attachments: 2016 August CCWCo FIRST SET of Data Requests to Interveners.doc



Gentlemen-

Please find attached Circle City's FIRST Set of Data Requests as it relates to the above referenced Docket. Please provide your answers to this DR not later than September 18, 2015. Responses by email are acceptable as well. Upon receipt of your replies I expect that one additional brief DR may be necessary.

I will require Krumweide, Cachaeris, and Maughn to be available for examination at the hearing. If you are inclined to make each of them voluntarily available that would be great. Otherwise, I will have the ACC issue subpoena's in all their cases.

Please advise by days end on this matter.

Robert T. Hardcastle
President | Brooke Utilities, Inc.
P.O. Box 82218
Bakersfield, CA 93380-2218
(661) 633-7526
(855) 672-5057 fax
RTH@iaco.com

**FIRST SET OF DATA REQUESTS
FROM CIRCLE CITY WATER COMPANY LLC
TO HARVARD INVESTMENTS, INC., LAKE PLEASANT 5000 LLC.,
WARRICK 160 LLC, and MAUGHAN REVOCABLE TRUST OF 2007 and
REX MAUGHAN AND RUTH G. MAUGHAN**

Docket No. W-03510A-13-0397

August 28, 2015

INSTRUCTIONS AND DEFINITIONS

A. Instructions

1. These Data Requests call for all information, including information contained in documents or stored on computer disks or in computers, which relate to the subject matter of the Data Requests and that is known or available to you.
2. In answering these Requests, Respondent is requested to furnish such information as is available to Respondent, including information that Respondent is able to obtain by due diligence from Respondent's present neighbors, accountants, investigators, consultants, witnesses, agents, or other persons that may have affiliated with or assisted Respondent in the preparation of the Complaint.
3. Where a Data Request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion.
4. These Data Requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
5. If you cannot answer a Data Request in full after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the Data Request in full, and state what information or knowledge you have concerning the unanswered portions.
6. If, in answering any of these Data Requests, you feel that any Data Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using in responding to the Data Request.
7. If you refuse to respond to any Data Request by reason of a claim of privilege or for any other reason, state the statutory reference asserting support of the privilege in writing and the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond.

B. Definitions

1. The words "and" and "or" should be construed either conjunctively or disjunctively as necessary to include information within the scope of a

Request, rather than to exclude information there from.

2. "ACC" means the Arizona Corporation Commission and is used interchangeably with "Commission."

3. Intentionally blank

4. Intentionally blank

5. The term "correspondence" should be interpreted to include, but not be limited to, all letters, telexes, facsimiles, telegrams, notices, messages, memoranda, e-mail communications and attachments, and other written or electronic or computer generated communications.

6. "Document" means:

a. "Documents" refers to all writings and records of every type in your possession, control, or custody, including but not limited to: e-mail communications, PowerPoint presentations, testimony, exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, work papers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, records of telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

7. "Identify" when used in referring to a person, shall mean to state the following with regard to the person: (a) name; (b) last known address; (c) residence and business telephone numbers; (d) relationship to you; and (e) occupation at the date of these interrogatories.

**FIRST SET OF DATA REQUESTS
FROM CIRCLE CITY WATER COMPANY LLC
TO HARVARD INVESTMENTS, INC., LAKE PLEASANT 5000 LLC,
WARRICK 160 LLC, and MAUGHAN REVOCABLE TRUST OF 2007 and
REX MAUGHAN AND RUTH G. MAUGHAN**

Docket No. W-03510A-13-0397

August 28, 2015

- 1.0 Please provide a thorough explanation of the ownership and management structure of each entity listed below including proportional ownership interests, officers, members, managing members, controlling owner, and the effective ownership date, of:
- Harvard Investments, Inc.
 - Lake Pleasant 5000, LLC
 - Harvard 5K, LLC
 - Warrick 160 LLC
 - Maughan Revocable Trust of 2007
 - any other partnerships, corporations, limited liability companies, or other such entities involved in Phase I and Phase II of the Lake Pleasant 5000, LLC Project ("LP5000 Project" or "Project").
- 2.0 Please provide current complete copies of all option agreements between any of the parties listed in DR 1.0 above as it relates to the Project. Such agreements should indicate option dates, portions of options to be exercised, clear representations of the physical areas being optioned, alternative actions or results of the parties if options are not exercised, and all other relevant terms and conditions of the option agreements.
- 2.1 Since 2005 please identify any of the entities listed in DR 1.0 above that has not timely exercised an option related to the LP5000 Project.
- 3.0 Please provide current complete copies of all operating agreements, partnership agreements, buy-sell agreements, purchase agreements, or all other agreements between the parties listed in DR 1.0 above as it relates to the LP5000 Project.

- 4.0 As of April 2013 please explain the position and authority of Christopher Cacheris as it relates to any of the entities listed in DR 1.0 above.
- 5.0 As of August 2015 please explain the position and authority of Christopher Cacheris as it relates to any of the entities listed in DR 1.0 above.
- 6.0 Please provide copies of all certificates and agreements between any of the entities listed in DR 1.0 above and the Central Arizona Groundwater Replenishment District ("CAGRDR") since 2005 as it relates to the LP5000 Project.
- 7.0 Please provide copies of all current and revised construction schedules of the LP5000 Project since 2005.
 - 7.1 Please list all professional and construction contracts or agreements issued to constructors, vendors, supplies, or other such entities for the LP5000 Project since 2005.
 - 7.2 Please identify the proposed start date of actual construction of the LP5000 Project.
 - 7.3 Please identify the projected date, by any of the entities listed in DR 1.0 above, that Circle City will be selling water on the LP5000 Project.
- 8.0 Please identify the wastewater utility, contractor, or municipality that has been secured by any of the entities listed in DR 1.0 as it relates to the LP5000 Project.
 - 8.1 Please identify the first date waste water services were agreed to or retained by any of the entities listed in DR 1.0 above.
- 9.0 Please explain the current objective of the Warrick 160 LLC Phase I portion of the Project as either a well field or a development of residential lots.
 - 9.1 Please describe all prospective water sources, test wells, well drilling, projected water production data, hydrologist reports, engineering reports, and well location maps of the area generally known as Phase I of the LP5000 Project or the Warrick 160, LLC property.
- 10.0 Please list all entitlements completed to date for the LP5000 Project.

- 11.0 Please list all entitlements not completed to date for the LP5000 Project.
- 12.0 Please identify the first date, by means of any filing to Docket No. W-03510A-13-0397, which any of the entities listed in DR 1.0 above acquiesced and/or capitulated on its opposition to the “positive impact” condition of Arizona Corporation Commission (“ACC” or “Commission”) Decision No. 68246 in 2005.
- 13.0 Please identify the position, role, authority, and responsibilities of Doug Zuber on March 1, 2005 for any of the entities listed in DR 1.0 above as it relates to his execution of the Water Facilities Agreement (“WFA”) for the LP5000 Project.
- 13.1 Is Doug Zuber still an employee of any of the entities listed in DR 1.0 above.
- 14.0 Please identify any parties with which any of the entities listed in DR 1.0 above have had discussions, meetings, exchanged correspondence, or negotiations regarding sale, investment or transfer of the LP5000 Project since 2005.